UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 05-11745-RWZ

BARBARA DEIGHTON HAUPT, TRUSTEE
OF BD REALTY TRUST,

        Plaintiff

v.

TOWN OF WAREHAM, acting by and through
the Board of Selectmen of the Town of Wareham
and the BOARD OF SELECTMEN OF THE
TOWN OF WAREHAM

        Defendants

**PARTIES JOINT SCHEDULING STATEMENT PURSUANT TO LOCAL RULE 16.1(D)
OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS**

The parties submit the following proposed Scheduling Statement pursuant to Local Rule

16.1(D):

I.   SUMMARY OF CASE

The plaintiff claims that the Town of Wareham exercised its right of eminent domain in bad faith

and failed to award just and full compensation for the taking her 5.5 acre parcel of waterfront property in

Wareham, Massachusetts. The defendants deny these contentions.

II.   **JOINT DISCOVERY PLAN**

The parties propose the following discovery plan:

A.   Initial Disclosures.

1. Initial Witness Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A) to be completed on or about November 30, 2005;

2. Initial Document Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(B) and (D) to be completed on or about November 30, 2005;

3. Initial Damages Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(C) to be completed on or about November 30, 2005, except to the extent damages are dependent upon expert testimony to be controlled by expert disclosure requirements herein.

B.   Written Discovery.

1. All written discovery, except requests for admissions, shall be served on or before February 28, 2006, and shall be completed by April 30, 2006;

2. Requests for Admissions shall be served by October 15, 2006. Responses to Requests for Admissions shall be served by November 15, 2006.

C.   Non-Expert Depositions.

1. All non-expert depositions are to be completed by July 31, 2006;

2. Non-expert depositions shall be limited to 10 depositions per party or 40 hours of on the record questioning per party, whichever shall occur first; absent leave of court for additional time or witnesses.

D.   Expert Disclosures and Discovery.

1. Expert witnesses for the Plaintiff shall be designated on March 15, 2006.

2. Defendants' expert witnesses shall be designated within thirty (30) days after plaintiff's expert designation.

3. Designation of rebuttal experts shall be complete by June 1, 2006.

4. Disclosure of expert witness testimony and reports shall be exchanged by each party pursuant to Fed. R. Civ. P. 26 (a)(2) by July 15, 2006.

5. Expert Interrogatories shall be served by August 15, 2006 and answered by October 15, 2006.

6. All expert depositions shall be completed by November 15, 2006.

III.   MOTION SCHEDULE

A. All motions under Fed. R. Civ. P. Rule 56 shall be filed by January 10, 2006. A reply shall be filed by February 10, 2007.

IV.   ADR SCHEDULE

If the parties agree, at any time, before or after completion of discovery, to submit this matter to alternative dispute resolution through the Court sponsored Mediation Program, they shall so advise the Court to do so.

V.   CERTIFICATIONS

The parties will file L.R. 16.1 certifications of conferral on or before the date of the scheduling conference.

VI.   CONSENT TO TRIAL BY MAGISTRATE

Plaintiff will consent to jury trial by Magistrate.

VII   **PRETRIAL DISCLOSURES**

Pretrial disclosures required pursuant to Fed. R. Civ. P. Rule 26(a)(3) shall be served and filed by

each party by December 1, 2006. Objections shall be filed be January 10, 2007.

BARBARA DEIGHTON HAUPT,	TOWN OF WAREHAM, acting by and
Trustee of BD REALTY TRUST	through the Board of Selectmen of the
By its attorney,	Town of Wareham and the BOARD OF
	SELECTMEN OF THE TOWN OF
/S/ Kristen M. Ploetz, Esq.	WAREHAM,
Jeffrey T. Angley, Esq.	By their attorney,
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